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PART--I-- Orders and Notifications by the Government of Tripura, The High Court, Government Treasury etc.

GOVERNMENT OF TRIPURA
FINANCE DEPARTMENT
(Excise & Taxation)

No.F.II-2(6)-EX/2018 **Dated, Agartala the 24th May, 2018.**

NOTIFICATION

WHEREAS, the Hon'ble Supreme Court of India vide its Judgement dated 15-12-2016 in Civil Appeal Nos. 12164-12166 of 2016 (Arising out of SLP (C) Nos. 14911-14913 of 2013) directed that no shop for the sale of liquor shall be situated within a distance of 500 meters of the outer edge of the national or state highways or of a service lane along the highway and accordingly the direction was incorporated in the Tripura Excise Rules through its 11th amendment vide Notification No. F. II-2(5)-EX/2017 dated 08-02-2017.

AND WHEREAS, the Hon'ble Supreme Court of India vide its Judgement dated 31-03-2017 in aforesaid case, has further directed that in the case of areas comprised in local bodies with a population of 20,000 people or less, the distance of 500 meters shall stand reduced to 220 meters and the direction was incorporated in the Tripura Excise Rules through its 12th amendment vide Notification No. F. II-2(5)-EX/2017 dated 22-09-2017.

AND WHEREAS, the Hon'ble Supreme Court of India vide its order dated 13-11-2017 clarified that the purport of the judgment dated 15-12-2016 is to prohibit the sale of liquor along and in proximity of highways which provide connectivity between cities, towns and villages. In other words, this will not operate to prohibit licenced establishments within municipal areas. The clarification to the effect that it "shall govern other municipal areas as well" is clearly intended to set the matter at rest in relation to other parts of the country so as to obviate the need for repeated application before this court. The expression "other municipal areas" will apply to all municipal areas, wherever situated.

AND WHEREAS, to implement the aforesaid order dated 13-11-2017 of the Hon'ble Supreme Court of India, the Rule 26 of the Tripura Excise Rules, 1990 needs to be amended so that it shall be inserted after the first and second proviso to Rule 26 of the Tripura Excise Rules, 1990.

NOW THEREFORE, in exercise of the powers conferred by sub-section (I) of Section - 88 of the Tripura Excise Act, 1987(Tripura Act No. 12 of 1987), the Governor hereby makes the following rules, further to amend the Tripura Excise Rules, 1990, namely:-

1. Short title and commencement :-

(i). These Rules may be called the "Tripura Excise (Fourteenth Amendment) Rules, 2018";

(ii). They shall come into force on the date of their publication in the Tripura Gazette.

2. **Amendment of Rule 26:-**

In the Tripura Excise Rules, 1990, a new proviso after the first and second proviso is inserted to Rule 26, which were incorporated by the Tripura Excise (Eleventh Amendment) Rules, 2017, as notified in the Tripura Gazette vide No. F.II-2(5)-EX/2017 dated 08-02-2017 and as notified in the Tripura Gazette vide No. F.II-2(5)-EX/2017 dated 22-09-2017, which is as follows-

"Provided further that above restrictions shall not apply in case of liquor shops within Municipal areas ."

By order of the Governor,

A. Sarkar
Joint Secretary to the
Goverment of Tripura.